

ORDINANCE NO. 15-2022 (AS), *Second Reading*

By Council Member Cuda

An Ordinance providing for the submission to the electors of the City of Cleveland Heights of proposed amendments to the Charter of the City of Cleveland Heights for placement on the May 3, 2022 ballot; and declaring an emergency.

WHEREAS, Article III-6 of the Charter of the City of Cleveland Heights provides, in part, that “the Director of Finance shall serve as ex officio Clerk of the Council”; and

WHEREAS, this Council recognizes the significant and important duties undertaken by the Director of Finance and wishes to eliminate the requirement that the position simultaneously serve as Clerk of Council, to allow the Director of Finance to focus solely and exclusively on the duties and responsibilities of the position of Director of Finance; and

WHEREAS, this Council believes that the duties of the position of Clerk of Council would be most effectively performed by ensuring this Council has the authority to hire and direct the work of its own Clerk directly, who shall serve at the pleasure of the Council; and

WHEREAS, this Council further wishes to ensure that it has authority to employ, appoint, hire, or otherwise engage any employee, consultant, independent contractor, or other persons as the Council deems necessary for the discharge of its duties under the Charter for the benefit of the City and its residents; and

WHEREAS, pursuant to Article XIII of the Charter of the City of Cleveland Heights and the Constitution of the State of Ohio, this Council has determined to authorize and direct the submission to the electors of the City of Cleveland Heights of proposed charter amendments at the primary election to be held on Tuesday, May 3, 2022, which election is not less than 60 nor more than 120 days from the effective date of this Ordinance, and that submitting the same to the electors is in the best interest of the City and its residents; and

WHEREAS, Article XIII of the Charter of the City of Cleveland Heights provides that amendments to the Charter may be submitted to the electors of the City of Cleveland Heights by a vote of five (5) or more members of this Council.

BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. This Council directs that there shall be submitted to a vote of the electors of the City of Cleveland Heights, at the primary election to be held at the usual places of voting in said City on Tuesday, May 3, 2022, the question of whether the selected provision of the Charter of the City of Cleveland Heights should be amended to read as set forth in the document attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. The Cuyahoga County Board of Elections is hereby directed to submit the following question to the electors of the City of Cleveland Heights at the primary election on Tuesday, May 3, 2022 in substantially this form:

PROPOSED CHARTER AMENDMENT

A majority affirmative vote is necessary for passage.

**“Shall Article III, Section 6 of the Charter of the City of Cleveland Heights be amended to provide that City Council may appoint, employ or otherwise engage its own Clerk of Council and any other employee, consultant, or person, and to remove the requirement that the Director of Finance serve as ex officio Clerk of the Council?**

\_\_\_ Yes \_\_\_ No”

SECTION 3. The Clerk of Council is hereby instructed to file forthwith a certified copy of this Ordinance and the proposed form of the ballot question with the Cuyahoga County Board of Elections not less than sixty (60) nor more than one hundred twenty (120) days prior to May 3, 2022, for the Board’s processing in the manner provided by the general laws of the State of Ohio.

SECTION 4. The Clerk of Council is hereby directed to provide notice of the proposed amendments pursuant to Article VIII-5 of the Charter of the City of Cleveland Heights, by either: (1) printing or mailing to each registered elector an official publicity pamphlet, or (2) publicizing official publicity in a newspaper published and generally circulated in the City, or if no such newspaper is published in the City, then in a newspaper of general circulation within the City, at least once a week for not less than two consecutive weeks with the first publication being at least thirty (30) days prior to May 3, 2022. Such publicity pamphlet or publication shall contain a full text of the proposed Charter amendment, with the respective ballot title, together with any explanation or argument for or against such measure which may have been filed with the Clerk of Council.

SECTION 5. Pursuant to Article XIII of the Charter of the City of Cleveland Heights, if the majority of electors voting thereon vote in favor of adopting the proposed amendments to the Charter of the City of Cleveland Heights, it shall become a part of the Charter at the time fixed in the amendments, and if no time is fixed therein, then such amendments shall become a part of the Charter upon its approval by the electors.

SECTION 6. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to timely submit to the electors of the City of Cleveland Heights the proposed amendments to Charter of the City of Cleveland Heights amendments in time to meet Board of Elections deadlines. Wherefore, provided it receives the affirmative vote of five (5) or more members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

A handwritten signature in blue ink that reads "Melody Joy Hart". The signature is fluid and cursive, with a large, stylized initial 'M'.

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MELODY JOY HART  
President of Council

A handwritten signature in blue ink that reads "Amy Himmelein". The signature is cursive, with a large, stylized initial 'A'.

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AMY HIMMELEIN  
Clerk of Council

PASSED: February 22, 2022

## **EXHIBIT A**

### **Article III-6 – Appointees**

Council shall appoint a Clerk of Council, who shall have the duty of keeping Council's records and performing all other duties required by this Charter and by the Council.

Council may appoint, employ, hire, or engage any other employees, consultants, independent contractors, or other persons as it deems necessary for the proper discharge of its duties. The Clerk of Council and any other person so appointed and employed, hired, or engaged by the Council shall serve at the pleasure of the Council and shall report to the President of Council, or the designee of the President of Council, as their supervisor.

Neither the Council nor any of its members or committees shall dictate the appointment of any person to office or employment by the Mayor, nor in any manner interfere with or prevent the Mayor or the City Administrator from exercising their judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the Mayor or the City Administrator and neither the Council nor any member thereof shall give orders to any of the subordinates of the Mayor or the City Administrator.

In its employment practices, the City is and shall continue to be an equal opportunity employer. At least once each year, the Mayor shall submit a report to the Council for review concerning the carrying out of this policy. Council shall make this report public.